

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

**SECOND AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Keith Dingman

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

Susan Dingman

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

New York

1 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
2 at the time of injury:

3 Florida

4 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

5 Florida

6 7. District Court and Division in which venue would be proper absent direct
7 filing:

8 United States District Court for the Middle District of Florida

9 8. Defendants (check Defendants against whom Complaint is made):

10 ☒ C. R. Bard Inc.

11 ☒ Bard Peripheral Vascular, Inc.

12 9. Basis of Jurisdiction:

13 ☒ Diversity of Citizenship

14 ☐ Other: _____

15 a. Other allegations of jurisdiction and venue not expressed in Master
16 Complaint:

17 _____
18 _____
19 _____
20 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making
21 a claim (Check applicable Inferior Vena Cava Filter(s)):

22 ☐ Recovery[®] Vena Cava Filter

23 ☐ G2[®] Vena Cava Filter

24 ☒ G2[®] Express Vena Cava Filter

25 ☐ G2[®] X Vena Cava Filter

26 ☐ Eclipse[®] Vena Cava Filter

27 ☐ Meridian[®] Vena Cava Filter

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- ☐ Denali® Vena Cava Filter
- ☐ Other: _____

11. Date of Implantation as to each product:

November 21, 2008

12. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I: Strict Products Liability – Manufacturing Defect
- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Florida (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☒ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages

☐ Other(s): _____ (please state the facts supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 23 day of July, 2018.

[SIGNATURE BLOCK]

By: /s/ Eric D. Roslansky

The Ruth Law Team
P.O. Box 16847, St. Petersburg, FL 33733
888-783-8378
ivc@getjustice.com

I hereby certify that on this 23 day of July, 2018, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Eric D. Roslansky